

[ADR]

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✓ George Sella, President "Mr. Sella"
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✓ Dr. E.E. David, Jr. President "Dr. David"
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✓ Dr. Edward Bloustein, President "Dr. Bloustein"
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Site: Picillo

Break: 11.9

Other: Confidential

cc James T. Murphy
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638574

cc Margaret Tribble
Legal Dept.



SEMS DocID

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cc Brent Gilhausen, esq
Assistant Environmental
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cc Richard Ricci
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cc John Bernstein, atty

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cc C. Russell Bengston
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Jack Capuano, President "Mr. Capuano"
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Anthony Capuano, President "Mr. Capuano"
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~~Dominick Presto, Registered Agent~~
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✓ John Welch, Jr., Chairman "Mr. Welch"
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cc Thomas M. Armstrong
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✓ John Henske, President "Mr. Henoke"
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cc Theresa T. Cicciotelli;
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Mr. Donald L. Freilley, President "Mr. Freilley"
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cc Vincent Gregory

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✓ ~~Art Slesinger~~
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cc Mark Bornstein
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Danvers, MA 01923

cc Samuel Miller, Esq.
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

[ADR]

Re: Picillo Farm Site, Coventry, Rhode Island

Dear [NAME]:

The United States Environmental Protection Agency (EPA) has documented the release and threatened release of hazardous substances, pollutants, and contaminants at the above-referenced site, and has spent, and is considering spending, public funds to investigate and control these releases. EPA is now in the process of completing a Remedial Investigation and Feasibility Study (RI/FS) to determine the nature and extent of on-site and off-site contamination and to evaluate possible remedial alternatives for containment, removal or treatment of the soil and/or groundwater. These activities have been undertaken by EPA pursuant to, inter alia, Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601 et. seq. At the conclusion of this process, EPA will design and implement a remedial action consistent with the National Contingency Plan, unless EPA determines that such action will be done properly by a responsible party.

Under Sections 106(a) and 107(a) of CERCLA and other laws, responsible parties may implement any needed relief actions determined by EPA and may also be liable for all monies expended by the government to take necessary corrective action at the site including, but not limited to planning, investigation, cleanup and enforcement.

Responsible parties under CERCLA include the current and former owners and operators of the site, and persons who generated or transported the hazardous substances or "any person who by contract, agreement, or otherwise, arranged for disposal or treatment of hazardous substances" at the site (CERCLA § 107(a)(3), 42 U.S.C. § 9607(a)(3)). Based on EPA and state records, EPA has information indicating that you may be a responsible party. By this letter, EPA notifies you of your potential

liability with regard to this matter and encourages you, as a potentially responsible party, to undertake voluntary cleanup activities, which will be overseen by EPA.

As noted above, EPA has determined that a release of hazardous substances, as defined by Section 101(14) and 101(22) of CERCLA has occurred at the Picillo Farm Site. Benzene, toluene, tetrachloroethylene, trichloroethylene, 1-1-1 trichloroethane, chloroform, xylene, metals and polychlorinated-biphenyls (PCB's) are contaminating and threatening further contamination of the soil and groundwater in the area of the Picillo Farm Site in Coventry, Rhode Island. The draft RI/FS which determines the nature and extent of contamination and evaluates possible remedial actions to remove certain hazardous substances, pollutants, and contaminants at the site was released April 8, 1985, for inspection. Copies of the draft RI/FS are available at the Coventry Town Hall/Library, 670 Flat River Road, Coventry and the Rhode Island Department of Environmental Management, Room 204, Cannon Building, 75 Davis Street, Providence, Rhode Island, as well as in the Region I, EPA Superfund Office, JFK Federal Building, Boston, Massachusetts.

EPA would like to encourage your attendance at the public hearing to be held at the Western Coventry Elementary School, Route 117 in Coventry, Rhode Island on May 1, 1985. The purpose of the meeting is to formally receive public comments on the RI/FS and the ultimate cleanup remedy for the site. An executive summary of the RI/FS will be available at this meeting.

Before EPA undertakes the design and implementation of the remedial clean up alternative, we wish to discuss your voluntary participation, either independently or in concert with other potentially responsible parties, in the measures necessary to remedy the problems presented by the hazardous substances at the site. Towards that end, EPA will hold a meeting with you and/or your official representative and other potentially responsible parties on May 3, 1985, opening at 10:00 a.m. in Room 2003 in the JFK Federal Building, Region I, Boston, Massachusetts. Enclosed please find a pre-registration form to be completed and returned to EPA by April 26, 1985. Only pre-registered individuals will be admitted to the meeting. The purpose of this meeting, in addition to providing an opportunity for discussing your voluntary participation in the remedial action for this site, is to explain the negotiation process, the liabilities of responsible parties, and to describe the nature and extent of the chemical contamination associated with the Picillo Farm Site.

Where you are already involved in discussions with state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should continue that activity and report the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions or actions.

EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially responsible for the Picillo Farm Site. The names of the other potentially responsible parties are enclosed so that you may schedule meaningful discussions with them regarding cleanup efforts and organize yourselves into a single representative body to facilitate negotiations with the Agency.

Your letter and any requests for further technical information should be sent to:

Heather M. Ford, Chief
U.S. Environmental Protection Agency
Enforcement and Cost Recovery Section
Waste Management Division
JFK Federal Building HWC-1907
Boston, MA 02203
(617) 223-5906

Your legal questions should be addressed to David L. Markell, Assistant Regional Counsel, at (617) 223-0400.

If no written response is received, we will assume that you do not wish to negotiate a resolution of your potential liabilities in connection with the Picillo Farm Site and that you have declined to undertake voluntary participation in response activities at the site.

Sincerely,

Merrill S. Hohman, Director
Waste Management Division

Enclosure